

## BYLAWS

### OF

SDA 3 PRIVATE INDUSTRY COUNCIL, INCORPORATED  
DBA as KANSAS CITY & VICINITY WORKFORCE INVESTMENT BOARD

## ARTICLE I

### OFFICES AND RECORDS

Section 1. Principal Office. The principal office and location of the corporation shall be at such place in Missouri, as may be designated from time to time by the Board of Directors.

Section 2. Registered Office and Registered Agent. The corporation shall have and continuously maintain a registered office and registered agent in the State of Missouri. The location of the registered office and the name of the registered agent shall be as determined from time to time by the Board of Directors pursuant to the applicable provisions of law.

Section 3. Records. The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of the Board of Directors and each committee having any of the authority of the Board of Directors. The corporation shall keep at its registered office or principal office a record of the name and address of each director.

## ARTICLE II

### BOARD OF DIRECTORS

Section 1. Directors in Lieu of Members. The corporation shall not have members as such but, in lieu thereof, shall have only a Board of Directors.

Section 2. First Board of Directors. The first Board of Directors shall be the four (4) persons named as such in the Articles of Incorporation who shall manage the business affairs of the corporation until the first annual meeting, at which time a full Board of Directors shall be elected.

Section 3. Board of Directors. The business of the corporation shall be managed by a Board of Directors of not more

than forty (40) directors, as determined by the Board from time to time. Such directors shall be selected as hereinafter provided.

#### Section 4. Qualifications, Representation.

(a) Twenty-six (26) directors shall be selected representing Kansas City, Missouri, five (5) directors shall be selected representing Clay County, two (2) directors each shall be selected representing Cass, Platte and Ray Counties and up to three (3) additional directors may be selected with such representation as the Board may determine.

(b) At least sixty percent (60%) of the members of the Board of Directors shall be appointed from the private business sector from among nominations equal to at least 150% of the number of private sector directors being appointed.

(c) At least one (1) director shall be appointed from each of the following public sector areas: educational agencies, rehabilitation agencies, economic development agencies and the public employment service.

(d) At least one (1) director shall be appointed from each of the following private, not-for-profit sector areas: organized labor and community-based organizations.

#### Section 5. Nomination, Election and Terms of Office.

(a) The directors shall be nominated, and shall be selected by the Chief Elected Officials, all according to the procedures set forth in the Consortium Agreement, as amended from time to time.

(b) Members of the Board of Directors shall take office immediately upon their appointment.

(c) Directors shall be appointed for fixed and staggered terms and shall serve until their successors are duly appointed and commence their terms of office. The members elected at the first meeting of the Board shall serve initial terms as determined by the first Board of Directors. Provided, however, that twenty (20) directors shall serve for not more than six (6) months and twenty (20) directors shall

serve not more than eighteen (18) months. Thereafter, all directors shall serve two (2) year terms. Any vacancy shall be filled in the same manner as the original appointments. The Executive Committee may make recommendations to the Chief Elected Officials for directors seeking reappointment at the expiration of their term.

Section 6. Powers. The property and affairs of the corporation shall be managed by the Board of Directors of the corporation. The Board of Directors shall have and is invested with all and unlimited powers and authority, except as expressly limited by law, the Articles of Incorporation or these By-laws, to supervise, control, direct and manage the property, affairs and activities of the corporation, to determine the policies of the corporation, to do or cause to be done any and all lawful things for and on behalf of the corporation, to exercise or cause to be exercised any or all of its powers, privileges or franchises, and to seek the effectuation of its objects and purposes; provided, however, that (1) the Board of Directors shall not authorize or permit the corporation to engage in any activity not permitted to be transacted by the Articles of Incorporation or by a not-for-profit corporation organized under the laws of the State of Missouri, (2) none of the powers of the corporation shall be exercised to carry on activities, which are not in themselves a furtherance of the purposes of the corporation, and (3) all income and property of the corporation shall be applied exclusively for its not-for-profit purposes.

Without limiting the generality of the foregoing, the powers of the Board of Directors shall be:

(a) To establish rules and regulations to govern the facilities and personnel of the corporation (herein called the "Rules") and to amend the Rules from time to time.

(b) To construe the Articles of Incorporation, By-laws, and Rules.

(c) To designate from time to time a depository bank or banks for the funds of the corporation.

(d) To delegate to the officers of the corporation such control and supervision over the affairs of the corporation as the Board of Directors may deem advisable.

(e) To procure, on behalf of the corporation, appropriate facilities and equipment.

(f) To approve, by appropriate resolution, the purchase, sale, lease away, mortgage, pledge, or other disposal of real estate and the borrowing of money.

(g) To direct and supervise, generally, the affairs of the corporation, subject only to the limitations expressly set forth in the Articles of Incorporation or these By-laws.

No part of the net earnings or other assets of the corporation shall inure to the benefit of any director, officer, contributor, or other private individual, having, directly or indirectly, a personal or private interest in the activities of the corporation.

Section 7. Vacancies. Vacancies on the Board of Directors, occurring by reason of death, resignation, disqualification, removal, expansion of the Board, or otherwise, shall be filled in the same manner as the original appointments.

Section 8. Annual Meeting. The annual meeting of the Board of Directors shall be held at such place as shall be determined by the Chairman and shall be held during the first quarter of each fiscal year.

Section 9. Regular Meetings. In addition to the annual meeting, the Board of Directors may hold regular meetings at such time and place as designated by the Chairman of the Board in a notice to be given each director at least five (5) days prior to the day named for the meeting. No notice of the purpose(s) of such regular meeting need be given.

Section 10. Special Meetings. Special meetings of the Board may be called at the direction of the Chairman of the Board and shall be held at such time and place as shall be designated in the notice calling said meeting. Written notice of the time, place and object of every special meeting of the Board shall be given to each director at least three (3) days prior to the day named for the meeting, and no business shall be considered except such as is stated in the notice of the meeting. However, urgent matters not on the agenda may be considered at any time without previous notice, provided, however, that any action taken must be with the consent of two-thirds (2/3) of the entire Board of Directors. Those

directors not present may give their consent to action taken pursuant to the provisions of Section 16 of this Article.

Section 11. Adjournment. If a quorum shall not be present at any such meeting, a majority of the directors present shall have power successively to adjourn the meeting, without notice other than announcement at the meeting, to a specified date. At any such adjourned meeting at which a quorum shall be present any business may be transacted which could have been transacted at the original session of the meeting.

Section 12. Quorum. One-half of the directors holding office from time to time, when present in person, shall constitute a quorum for the transaction of business. The acts of a majority of the directors present at a meeting at which a quorum is present shall be the acts of the Board of Directors, unless otherwise provided herein.

Section 13. Voting. Each director present at any meeting shall be entitled to cast one (1) vote on each matter coming before such meeting for decision.

Section 14. Minutes. Minutes of the Board's meetings shall be recorded by designated staff. Copies of the minutes shall be distributed to all directors on or before the next regular meeting of the Board of Directors as deemed appropriate by the Chairman.

Section 15. Open to Public. To the extent required by law, meetings of the Board of Directors and its committees shall be open to the public. Meetings or segments of meetings may be closed to the public by the Chairman of the Board or by a committee Chairman in compliance with exemptions granted by law.

Section 16. Consent Without Meeting. Any action which may be taken at a meeting of the directors or any committee thereof may be taken without a meeting if consents in writing, setting forth the action so taken, are signed by all members of the Board or the committee as the case may be.

Section 17. Compensation. The members of the Board shall be entitled to no compensation for services but, as such, subject to the availability of funds and allowability under federal regulations, may be reimbursed for all necessary expenses incurred in connection with the performance of their duties as members of the Board only as approved by the Board of Directors.

Section 18. Removal. Removal of a director from the Board may be made by the vote of two-thirds (2/3) of the members of the entire Board at any duly convened regular meeting. Such removal shall be reported to the Chief Elected Officials and such report should include the reasons for the removal. Failure to attend three consecutive scheduled meetings during the calendar year, or failure to otherwise actively participate in the activities and affairs of the Board, will be considered reasons for such removal.

### ARTICLE III

#### NOTICE OF MEETINGS

##### Section 1. Written Notice.

(a) Whenever written notice is required by law or by these By-laws to be given to any director, it may be given to such person, either personally or by sending a copy thereof, through the mail or by telegraph, charges prepaid, to his address supplied by him to the corporation for the purpose of notice. If the notice is sent by mail or by telegraph, it shall be deemed to have been given to the person entitled thereto when deposited in the U. S. mail or with a telegraph office for transmission to such person. Such notice shall specify the place, day and hour of the meeting, and where required, the purposes thereof and the nature of the business to be transacted thereat.

(b) Whenever any written notice is required to be given by law or by these By-laws to any director, such notice may be sent by the Chairman or his designee.

##### Section 2. Waiver.

(a) Whenever any written notice is required to be given by law or by these By-laws to any director, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice. Except in the case of a special meeting, neither the nature of the business to be transacted nor the purpose of the meeting need be specified in the waiver of notice of such meeting.

(b) Attendance of a director at any annual, regular or special meeting shall constitute a waiver of notice of such meeting except where the director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

#### ARTICLE IV

##### OFFICERS

Section 1. Elected Officers. The officers of the corporation shall consist of a Chairman, one or more Vice Chairmen as determined by the Board from time to time, a Secretary, a Treasurer, and a Parliamentarian. The Chairman and the Vice Chairmen must be directors who are private sector representatives. The Secretary, the Treasurer and the Parliamentarian may be any Board member. In addition to the aforementioned officers, the following shall comprise the Executive Committee: the immediate past Chairman of the Board, the chairmen of the standing committees, and up to three additional members selected by the Chairman.

Section 2. Duties of the Chairman. The Chairman shall be the chief executive officer of the corporation and shall, in general, supervise and direct all of the business and affairs of the corporation. He shall preside over all Board meetings and perform such other duties as may be directed by the Board. He shall, with the concurrence of the Board, enter into contracts on behalf of the corporation in aid of its general purposes and may execute and deliver any instrument in the name of and on behalf of the corporation. He shall attend all regularly scheduled meetings of the Chief Elected Officials. He shall serve a two (2) year term and may succeed himself as Chairman. If the end of his term as Chairman shall coincide with the end of his term as a director, he shall nevertheless continue to serve as a non-voting ex officio member of the Board of Directors for an additional one year term.

Section 3. Powers and Duties of Vice Chairmen. In the temporary absence of the Chairman, one of the Vice Chairmen so designated by the Chairman shall exercise and perform the Chairman's duties. At other times, the Vice Chairmen shall carry out such duties as may be delegated to them by the Chairman or assigned by the Board of Directors.

Section 4. Powers and Duties of Secretary. The Secretary shall:

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(a) Insure the keeping of the minutes of all meetings and official proceedings of the Board of Directors.

(b) Be the custodian of the records of the corporation.

(c) In general, perform all the duties of Secretary and such other duties as from time to time may be assigned by the Chairman or the Board.

Section 5. Powers and Duties of Treasurer. The Treasurer shall:

(a) Be responsible for the administration and oversight of funds available to the corporation.

(b) In general, perform all the duties incident to the office of Treasurer, and such other duties as from time to time may be assigned by the Chairman or the Board.

Section 6. Powers and Duties of Parliamentarian. Meetings will be conducted according to the procedures contained in Robert's Rules of Order, revised, unless such procedures are in conflict with these By-laws in which case these By-laws shall prevail. The Parliamentarian shall rule on all points of order in accordance with such Rules.

Section 7. Election and Tenure. The officers shall be elected by the Board of Directors at its annual meeting. Each officer may hold office for two (2) years, or until a successor shall have been duly elected and qualified.

## ARTICLE V

### COMMITTEES

Section 1. The Chairman may appoint from among the directors one or more standing or temporary committees as the Chairman may deem necessary.

Section 2. The Chairman shall appoint a chairman of each standing and special committee.



Section 3. The Chairman shall have the power at any time to increase or decrease the number of members of the committees, to fill vacancies on them, and to remove any member from the committee. The committees shall have such powers and duties as may be determined by the Board. In order for a committee to take official action, it shall be necessary for a quorum to be present at the committee's meeting, and one-half of the members of the committee shall constitute a quorum, unless determined otherwise by the Board.

Section 4. The Executive Committee shall have and exercise the authority of the Board of Directors in the management of the corporation.

#### ARTICLE VI

##### ADVISORY BOARD

An Advisory Board may be appointed by the Chairman or by the Board of Directors from time to time to assist and make recommendations to the Board as requested. There shall be no maximum or minimum number of members of the Advisory Board and appointments need not be for a fixed term.

#### ARTICLE VII

##### CONFLICT OF INTEREST

No director, officer or employee of the corporation shall have nor shall acquire any interest, direct or indirect, in any project which the corporation is promoting, or in any contract or proposed contract for materials or services, or in any lease, mortgage, sale, or contract of any nature whatever relating to any such project or to the corporation, without forthwith making written disclosure to the corporation of the nature and extent of his interest, and such disclosure shall be entered in writing upon the minute book of the corporation. No director who has such an interest shall vote on any matter relating to such interest. Any vote, including abstentions, on any issue which includes a conflict or potential conflict of interest for a director shall be recorded in the minutes of that meeting. No director shall cast a vote on the provision of services by that director (or any organization which the director directly represents) or vote on any matter which would provide direct financial benefit to that director within the meaning of the Job Training Partnership Act of 1982 (29 U.S.C.A. § 1551(f) as amended from time to time.

## ARTICLE VIII

### AGENTS, EMPLOYEES, CONSULTANTS, PROFESSIONAL SERVICES

Persons or firms, other than officers of this corporation, may from time to time be engaged or employed to assist the corporation in carrying out its programs and purposes. Any such employment must be by action of the Chairman acting with the concurrence of the Board of Directors or the Executive Committee, upon terms and conditions, including payment for services, as are approved by the Chairman and the Executive Committee.

## ARTICLE IX

### AMENDMENTS

From time to time these By-laws may be altered, amended or repealed and new By-laws may be adopted by the Board of Directors after thirty (30) days' written notice of the proposed alteration, amendment or change has been given to each director, provided that no alteration, amendment or change shall be made without the affirmative vote of at least two-thirds (2/3) of the total number of directors in office at the time.

## ARTICLE X

### DISSOLUTION

In the event of the dissolution of the corporation, all of its remaining assets shall be distributed in accordance with the provisions of The General Not For Profit Corporation Law of the State of Missouri.

## ARTICLE XI

### GENERAL PROVISIONS

Section 1. Depositories and Checks. The monies of the corporation shall be deposited in such banks or trust companies as the directors may designate and shall be held and drawn out by checks signed in such manner as may be provided by resolution adopted by the Board of Directors.

Section 2. Bonds. In addition to the bond, if any, required of the Treasurer, any other officer or employee handling money of the corporation may be bonded at the

corporation's expense in such amounts as may be determined by the Board of Directors.

Section 3. Custodian of Securities. The Board of Directors may from time to time appoint one or more banks or trust companies to act for reasonable compensation as custodian of all securities and other valuables owned by the corporation, and to exercise in respect thereof such powers as may be conferred by resolution of the Board of Directors. The Board of Directors may remove any such custodian at any time.

Section 4. Certain Loans Prohibited. The corporation shall not make any loan to any officer or director of the corporation.

Section 5. Indemnification of Directors and Officers. To the extent permitted by law, by the corporation's Articles of Incorporation, and herein, each director or officer, or former director or officer, of the corporation and his legal representative, shall be indemnified by the corporation against liabilities, expenses, counsel fees and costs reasonably incurred by him or his estate in connection with, or arising out of, any action, suit, proceeding or claim in which he is made a party by reason of his being, or having been, such director or officer; and any person who, at the request of the corporation, served as director, officer, employee, or agent or of another enterprise in which the corporation had an interest and his legal representatives, shall in like manner be indemnified by the corporation; provided that in neither case shall the corporation indemnify such director or officer with respect to any matters as to which he shall be finally adjudged in any such action, suit or proceeding to have been liable for negligence or misconduct in the performance of his duties as such director or officer. The indemnification herein provided for, however, shall apply also in respect of any amount paid in compromise of any such action, suit, proceeding or claim asserted against such director or officer (including expenses, counsel fees and costs reasonably incurred in connection therewith), provided the Board of Directors of the corporation shall have first approved such proposed compromise settlement and determined that the director or officer involved was not guilty of negligence or misconduct; but in taking such action any director involved shall not be qualified to vote thereon.

In determining whether or not a director or officer was guilty of negligence or misconduct in relation to any such matters, the Board of Directors may rely conclusively upon an opinion of independent legal counsel selected by the Board of Directors. Unless otherwise provided by law, any compromise

settlement authorized herein shall be effective without the approval of any court. The right to indemnification herein provided shall not be exclusively of any other rights to which such director or officer may be lawfully entitled.

No director or officer of the corporation shall be liable to any other director or officer or other person for any action taken or refused to be taken by him as director or officer with respect to any matter within the scope of his official duties except such action or neglect or failure to act as shall constitute negligence or misconduct in the performance of his duties as director or officer.

Section 6. Fiscal Year. The fiscal year of the corporation shall begin on the first day of July and end on the last day of June or on such other dates as may be fixed from time to time by the Board of Directors.

#### CERTIFICATE

The foregoing By-laws were duly adopted as and for the By-laws of SDA 3 Private Industry Council, Incorporated, by the Board of Directors of said corporation at its first meeting held on April 3, 1984, were thereafter amended, and are hereby amended and restated at a meeting of the Board held on May 14, 1987.

  
Secretary



## REFERRAL AND CERTIFICATION FORM

NAME: \_\_\_\_\_ S.S.# \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

BIRTHDAY: \_\_\_\_/\_\_\_\_/\_\_\_\_ PROGRAM SERVICES REQUESTED: \_\_\_\_\_

### REFERRED BY:

AGENCY/CONTRACTOR NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

PHONE: \_\_\_\_\_ REFERRAL DATE: \_\_\_\_\_

### REFERRED TO:

AGENCY/CONTRACTOR NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

PHONE: \_\_\_\_\_ REFERRAL DATE: \_\_\_\_\_

### CHECK APPROPRIATE F.E.C. OFFICE WHEN APPLICABLE:

- |                                     |                          |   |                |
|-------------------------------------|--------------------------|---|----------------|
| <input type="checkbox"/>            | Kansas City              | 1740 Paseo, KC, MO 64108                                | (816) 471-2330 |
| <input type="checkbox"/>            | Independence             | 15301 E. 23 <sup>rd</sup> St., Independence, MO 64055   | (816) 254-3297 |
| <input type="checkbox"/>            | Northland - Clay County  | 3100 N.E. 83 <sup>rd</sup> St., Ste. 2100, KC, MO 64119 | (816) 468-8767 |
| <input checked="" type="checkbox"/> | Ray County               | 849 E South Street, Richmond, MO 64085                  | (816) 776-3920 |
| <input type="checkbox"/>            | South Kansas City        | 6801 Longview Road, KC, MO 64134                        | (816) 966-0289 |
| <input type="checkbox"/>            | CAP Program Annex        | 1900 Vine, KC, MO 64108                                 | (816) 471-2330 |
| <input type="checkbox"/>            | Youth Opportunity Center | 1722 John Buck O'Neil Way, KC, MO 64108                 | (816) 471-2330 |
| <input type="checkbox"/>            | West Central MO CAA      | 109 Congress, Belton, MO 64012                          | (816) 318-3922 |
| <input type="checkbox"/>            | West Central MO CAA      | 200 N. Oakland, Harrisonville, MO 64701                 | (816) 380-5275 |
| <input type="checkbox"/>            | Project Refocus          | 4743 Troost Ave., KC, MO 64114                          | (816) 235-5160 |
| <input type="checkbox"/>            | Platte County            | 11724 NW Plaza Circle, KC, MO                           | (816) 464-4620 |

### DATE OF REFERRAL:

CERTIFIED? ☐ Yes ☐ NO DATE: \_\_\_\_\_ EEC Zone Resident ☐ Yes ☐ No

Comments: \_\_\_\_\_

F.E.C. Staff Signature \_\_\_\_\_

# WIA ELIGIBILITY ATTESTATION

Registration Date:

WIR:	Counselor:	SSN:	Name:
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Date of Birth:	Age:	Work Authorization Status: US Citizen _____ Or Registered Alien/Refugee _____	Selective Service: Registered _____ or N/A _____ # _____
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I have read the certification statement below, and I am attesting to the above information in accordance with the Language in the certification statement. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Welfare Status: TANF _____ GA/RCA _____ SSI _____ Food Stamps _____	Family Income:	Number in Family:	Low Income Youth Characteristic: Offender _____ Deficient in Basic Lit. Skills _____ Dropout _____ Homeless/Runaway _____ Parent/Pregnant _____ Needs Assist. In Ed. Prog. Or Employment _____
Low Income Status: Welfare/Food Stamps _____ Foster Child _____ Income Criteria Met _____ Homeless _____ Individual w/disability _____	Youth 5% Window Criteria: Appropriate Grade/Age _____ Offender _____ School Dropout _____ Individual w/Disability (incl. LD) _____ Homeless/Runaway _____ Basic Skills Deficient _____ Pregnant/Parenting _____ Locally Defined _____		

Family Members Names, SSNs, Relationship, & Income (Include Applicant Income):- Supplemental Sheet available.

Dislocated Workers:

Category A: Terminated or Laid Off \_\_\_\_\_ Category B: Plant Closure or Substantial Lay Off \_\_\_\_\_  
Category C: Was Self-Employed \_\_\_\_\_ Category D: Displaced Homemaker \_\_\_\_\_

Certification Statement: I certify that the information given on this application is true and accurate to the best of my knowledge and belief. I understand that such information is subject to verification and I further realize that falsified or fraudulent information may result in the rejection of this application, subsequent termination from the WIA program, or prosecution under the law. We are asking you to provide voluntarily your Social Security account number so that this agency can provide employment assistance to you in the most timely and efficient way. This information will be used to identify your record in filing systems, for follow-up services provided you, for verification of eligibility for services including monetary, and statistical reporting purposes.

Signed: _____ Date: _____	Parent/Guardian Signature (Required if applicant is under 18): _____ Date: _____
Interviewer's Signature: _____ Date: _____	Corroborating Witness Signature: _____ Date: _____
(If applicant cannot obtain a satisfactory witness or provide a telephone contact, explain below): _____	Witness' Relationship To Applicant: _____

## WIA FINANCIAL AID VERIFICATION CHECKLIST

Name: \_\_\_\_\_

SSN: \_\_\_\_\_

General Eligibility Requirements	Source Document
1. Social Security Number	_____
2. Date of Birth/Age	_____
3. Current Address	_____
4. Citizenship/Alien Status	_____
5. Selective Service (SSS) – (Males born after 12/31/59)	_____

**A. Economic Eligibility for Adults and Youth (must meet one of the categories listed below)**

Source Document

- Cash Public Assistance (e.g. TANF, SSI) \_\_\_\_\_
- Individual Family Income and Individual Status Family Size \_\_\_\_\_
- Food Stamps \_\_\_\_\_
- Homeless \_\_\_\_\_
- Supported Foster Child \_\_\_\_\_
- Individuals With Disabilities \_\_\_\_\_

Income Category (circle one):      Category 1 (70%)      Category 2 (200%)

**B. Dislocated Worker (must meet one of the categories listed below)**

Source Document

- Category A. Terminated or Laid Off \_\_\_\_\_
- Category B. Plant Closure or Substantial Lay off \_\_\_\_\_
- Category C. Self Employed \_\_\_\_\_
- Category D. Displaced Homemaker \_\_\_\_\_

**C. Youth Barriers to Employment (Economically disadvantaged youth must also meet one barrier to be WIA eligible)**

Source Document

- Basic Skills (reading or math below 9<sup>th</sup> grade) \_\_\_\_\_
- \*School Dropout \_\_\_\_\_
- Homeless, a runaway, or a foster child \_\_\_\_\_
- \*Pregnant or a parent \_\_\_\_\_
- \*An Offender \_\_\_\_\_
- 6<sup>th</sup> Eligibility Criteria: In-School youth with educational attainment one or more grade levels below the grade level appropriate to the age of the individual \_\_\_\_\_
- \*Self-attestation accepted for these barriers.
- D. Youth 5% Window Barrier (if applicable) \_\_\_\_\_

Meets Financial Aid Requirements for the following WIA programs (check all applicable boxes):

☐ Adult     
 ☐ Dislocated Worker     
 ☐ Out of School Youth     
 ☐ In-school Youth

Signature of Intake Staff Person \_\_\_\_\_

Date Completed \_\_\_\_\_

# Acknowledgment of Receipt

I have received a copy of the Workforce Investment Act Complaint/Grievance Procedure pamphlet, have been given an opportunity to ask questions and by my signature below, I declare that I fully understand the procedure.

Signature

Date

Signature of WIA Staff Issuing Pamphlet

## MISSOURI WORKFORCE INVESTMENT ACT - Complaint Guide

### INTRODUCTION

This brochure describes the complaint and grievance process for programs and activities conducted by the Division of Workforce Development (DWD) statewide program operators. Four types of complaints are covered by this brochure:

1. Discrimination Complaint;
2. Program Complaint;
3. Labor Standard Complaint; and
4. Criminal Complaint.

Other than the following paragraphs applicable to all complaints, the method(s) for filing a complaint of each of these types is separately addressed in this brochure.

### ALL COMPLAINTS

Any complaint must be submitted in writing and signed by the complainant or complainant's representative. It should include: your name, address and telephone number (or specify another means of contacting you), a detailed description of the complaint incident(s) indicating when, where and what acts comprise the basis of the complaint, individual name(s) or organization(s) responsible, and what relief is sought. Complaints should be filed immediately after the complaint incident so that your rights will not be jeopardized due to untimely filing and so that the complaint may be promptly resolved. All time frames in this brochure refer to calendar days. Assistance and forms for filing such complaints are available through the program operator or the Division of Workforce Development.

### DISCRIMINATION COMPLAINTS

Applicants, eligible applicants, participants, applicants for employment, employees and members of the public, including those with disabilities, and unions or professional organizations holding collective bargaining or professional agreements with DWD may file discrimination complaints using the following procedure. Exhaustion of the state's administrative remedies is recommended for expediting in complaint resolution.

### EQUAL OPPORTUNITY IS THE LAW

It is against the law for the recipient of Federal financial assistance to discriminate on the following basis: Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

- Denying who will be admitted, or have access, to any WIA Title I-financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

### WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

Melissa Wolkstein, Equal Opportunity Officer  
Missouri Department of Economic Development  
Division of Workforce Development  
421 E. Dunlap, P.O. Box 1087  
Jefferson City, Missouri 65102-1087  
Phone: (573) 526-8241 Fax: (573) 526-5782

OR

The Director, Civil Rights Center (CRC)  
U.S. Department of Labor  
200 Constitution Avenue NW, Room N-4123  
Washington, DC 20210

If you file your complaint with the recipient (DWD), you must wait until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

### RELIGIOUS ACTIVITIES

Participants may not be employed under WIA to carry out the construction, operation or maintenance of any facility that is used or is to be used for religious instruction or worship. Participants who believe that they are being employed in violation of this prohibition may file a complaint in the same manner and subject to the same procedures as in the section, "What To Do If You Believe You Have Experienced Discrimination."

### PROGRAM COMPLAINTS

If you believe you have been unjustly denied any benefit or service allowed under the Workforce Investment Act (WIA) or have reason to believe any of the following situations has occurred: a violation of the Act, federal regulations, as well as those arising from actions such as state-level audit findings or disallowance, or the imposition of sanctions taken by the Governor with respect to state audit findings, investigations or monitoring reports; The Workforce Development Act requires that statewide program operator procedures (Steps 1 and 2) must first be exhausted before a complaint may be escalated to the State (DWD). Likewise, State level procedures must be exhausted before escalating a complaint to the U.S. Department of Labor except in complaints alleging discrimination.

### NON-PARTICIPANT COMPLAINTS

The Workforce Investment Act permits program operators, contractors, grantees, sub-grantees, sub-recipients, subcontractors, and any other interested party to file grievances about programs or activities under the law using this procedure.

### PARTICIPANT COMPLAINTS

During orientation, participants are informed whether they will file any employment-related complaint through their employer's grievance procedure or the DWD program operator's procedure, as described in Steps 1 and 2. If the employer's procedure is used, the time frames and steps contained therein will be adhered to.

For all non-employment related grievances or if a participant is unable to satisfactorily resolve any employment related grievance with their employer, the participant must utilize the procedures contained in this brochure to seek further resolution.

### STEP 1

The complainant will file the grievance in writing with the program operator. The program operator has seven (7) days from the date the written grievance is received to investigate and provide a written decision to the complainant and respondent.



## MISSOURI WORKFORCE INVESTMENT ACT - Complaint Guide

### STEP 2

If the decision fails to satisfactorily resolve the grievance, the complainant has five (5) days from the receipt of the program operator's decision to present a written request for an impartial hearing and review of the decision. The program operator must ensure that a qualified hearing officer conducts an impartial hearing, within thirty (30) days of the original receipt of the written grievance. The complainant and respondent (if not the program operator) will be provided with a written notice of the date, time, and place of the hearing and all parties will have the opportunity to present evidence and to be represented by an attorney.

The hearing officer is to present a written decision to the program operator, which in turn issues its decision to the complainant/respondent. In any case, the program operator must issue a written decision within sixty (60) days of its original receipt of the written grievance. If the decision fails to satisfactorily resolve the grievance, a party to the grievance may request a State review under the procedures outlined in Step 3.

If the program operator fails to issue this written decision to the complainant/respondent within sixty (60) days of its original receipt of the written grievance, the complainant has the right to request a State review under the procedures outlined in Step 3.

### STEP 3

To request a State review, the disappointed party must submit its request, in writing, to:

Division of Workforce Development  
421 E. Dunklin, P.O. Box 1087  
Jefferson City, MO 65102

This written request must be received by DWD not more than ten (10) days after the disappointed party received the written decision from the program operator or, if no decision was rendered, within fifteen (15) days of the date on which the decision should have been received (60 days from the date initially filed).

The review process performed by DWD may be conducted by its own staff, a licensed attorney through an impartial hearing or any other means of independent review or investigation. DWD will provide a written final decision to the parties within sixty (60) days of the date that the request for review was received.

### APPEALS TO THE SECRETARY OF LABOR

Should DWD fail to issue a written final decision within sixty (60) days of receipt of the request, the disappointed party may request from the Secretary of Labor a determination as to whether reasonable cause exists to believe that the Act or its regulations have been violated.

This request must be filed within sixty (60) days of the date the final decision should have been issued from DWD. The complaint should contain the following:

1. The full name, address and telephone number of the person making the complaint;
2. The full name, address and telephone number of the respondent against whom the complaint is made;
3. A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation;
4. The provision(s) of the Act or regulations believed to have been violated;
5. A statement disclosing whether any other proceedings involving the subject of the request have been commenced or concluded before any Federal, State or local authority and, if so, the date of such commencement or conclusion, the name and address of the authority and style of the case; and
6. A statement of the date the complaint was filed with DWD, the date on which DWD should have issued a final decision, and an attestation that no decision was issued.

A request will be considered to have been filed when the Secretary receives from the disappointed party a written statement sufficiently precise to evaluate the complaint and the grievance procedure utilized by the State and Statewide program operator.

### LABOR STANDARD COMPLAINTS

Complainants may:

- a. Exhaust the non-criminal administrative process by submitting the complaint directly to DWD for review and disposition within sixty (60) days; or
- b. Submit the grievance to a binding grievance procedure if a collective bargaining agreement covering the parties so provides. If sixty (60) days expires with no decision or an adverse decision is rendered, the complaint may be submitted to the U.S. Department of Labor that may change, reverse or issue a final decision.

### CRIMINAL COMPLAINTS

Complaints alleging fraud, abuse or criminal activity must be immediately reported to the Department of Labor, Office of Inspector General-Investigation, 200 Constitution Avenue NW, Washington, DC 20510-55514. The hotline number is 1-800-347-3756. The required incident report forms are available through the program operator or from DWD. Program operators must simultaneously notify DWD of the filing of any incident report with the Office of Inspector General.

### NON-WIA REMEDIES

In any case where the alleged violation of the Act or regulations is also an alleged violation of another law, nothing in this process shall prohibit an individual or an organization from filing a complaint or grievance with the appropriate authority under that law.

### PROHIBITION AGAINST REPRISAL

No person, organization or agency may discharge or in any other manner discriminate or retaliate against any person or deny to any person a benefit to which that person is entitled because such person has filed any complaint, instituted or caused to be instituted any proceedings under or relating to the Act, has testified or is about to testify in any proceedings or has provided information or assisted in any investigation.

### CONFIDENTIALITY OF INFORMATION

The identity of any person who has furnished information relating to or assisting in the investigation of a possible violation of the Act shall be kept confidential to the extent possible consistent with the need to conduct a fair review of the issues.

For further information or assistance, please telephone or write to your WIA contact person listed below.

Contact Name \_\_\_\_\_

Program Operator \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

Phone \_\_\_\_\_

E-Mail \_\_\_\_\_

Auxiliary aids and services are available upon request to individuals with disabilities.

Alternate formats for non-English speaking individuals available upon request.

The Missouri Division of Workforce Development is an Equal Opportunity Program/Employer.

Missouri Division of Workforce Development  
421 E. Dunklin, PO Box 1087  
Jefferson City, MO 65102-1087  
(573) 751-4750  
TDD 1-800-735-2988

DWD-100 (2-05) AWP

## MISSOURI WORKFORCE INVESTMENT ACT

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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT  
DIVISION OF WORKFORCE DEVELOPMENT

421 E. Dunklin, P.O. Box 1087  
Jefferson City, Missouri 65102-1087  
(573) 751-4750  
TDD 1-800-735-2988

## Supplemental Information Attachment

**Applicant's Name** \_\_\_\_\_

Social Security No. \_\_\_\_\_ 180 Day Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Public assistance verification through DFS on WFD terminal

Wage verification through computer linkage with UI Wage Record file \_\_\_\_\_

I attest that the information obtained through either DFS/Wage Record files verified all or part of the documentation needed to determine eligibility for the Workforce Investment Act (WIA) Title I Program.

Intake Worker's Signature \_\_\_\_\_ Date Completed \_\_\_\_\_

## Income Determination Method Checklist

\_\_\_\_ Straight Pay or Salary Method  
Intermittent Work Method

\_\_\_\_\_ Average Pay Method  
Year-to-Date Method

Hire Date \_\_\_\_\_ End Date \_\_\_\_\_

Intake Worker's Signature \_\_\_\_\_ Date Completed \_\_\_\_\_